

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

National Phase Application)
Based Upon PCT/NZ2005/000069)
)
Serial No.: Not Yet Assigned)
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Applicant: Blackhurst et al.)
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Filed: Herewith)
)
For: SCOPE WARMING DEVICE)
)
Examiner: Not Yet Assigned)
)
Art Unit: Not Yet Assigned)
)
Attorney Docket No.:)
1171/45568/174-PCT-US)

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 1450

Sir:

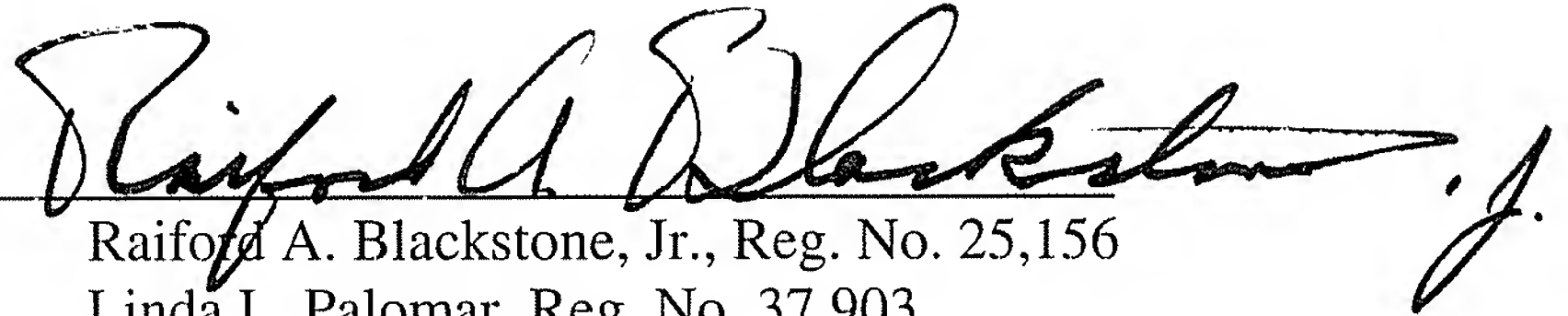
Enclosed is a copy of amended sheets presented during the international application phase of PCT/NZ2005/000069 under Article 19 and/or 34. These amendments were entered and considered for the purposes of the International Preliminary Examination Report and therefore should have been presented to the United States as a National Phase Office. Entry and consideration of same during the United States National Phase application is requested.

Should the Examiner have any questions regarding this Communication, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated: 10-2-06

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CLAIMS:

1. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument comprising:
 - a heat conducting tube capable of receiving said distal portion,
 - 5 a heating element thermally coupled to said tube,
 - a whitening element within or at the distal end of said tube that enables white balancing of said optical instrument.
2. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to claim 1 further comprising:
 - 10 a double walled cylindrical tube having an internal wall, external wall, upper surface and open distal portion with central cavity there between,
 - an aperture extending from said upper surface sized and shaped to receive said distal portion of said optical instrument,
 - a cap sized to attach to said distal portion of said double walled cylindrical tube,
 - 15 an insulation layer between said internal wall and said external wall of said double walled cylindrical tube,
 - a heating element enclosed within said central cavity and thermally coupled to said insulation layer
 - wherein said whitening element is located in the distal portion of said aperture,
 - 20 such that said distal portion of said optical instrument abuts said whitening element and light from said optical instrument is reflected off said whitening element back to said optical instrument in order to achieve white balancing of said optical instrument.
3. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to claim 1 or 2 wherein said apparatus is constructed from a thermoplastics type material.
- 25 4. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to claim 1 or 2 wherein said apparatus is constructed from a thermoset plastics material.
5. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to any one of claims 1 to 4 wherein said double walled cylindrical tube has a horizontal cavity extending from said external wall through said distal portion of said aperture, sized and shaped to fit said whitening element.
- 30 6. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to claim 5 wherein said aperture comprises a plurality of steps

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of decreasing circumference toward the distal portion of said tube to provide enhanced support for said optical instrument when inserted into said tube.

- 5 7. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to any one of claims 1 to 6 wherein said heating element comprises a conductive material.
8. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to any one of claims 1 to 7 wherein said conductive material is water or saline solution.
- 10 9. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to any one of claims 1 to 7 wherein said conductive material is selected from a group consisting of wheat, barley, oat grass seeds and rice.
- 15 10. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to any one of claims 1 to 9 wherein said whitening element is constructed from one of a group consisting of a thermoset plastics material, thermoform plastics material, ceramics material, non-woven material and woven fibrous material.
- 20 11. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to any one of claims 1 to 10 wherein said heating element is heated prior to use by micro-waving said apparatus.
12. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to any one of claims 1 to 10 wherein said heating element is heated prior to use by inserting said apparatus into a conventional oven type surgical warmer.
- 25 13. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to any one of claims 2 to 12 wherein said insulation layer comprises air.
14. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to any one of claims 1 to 13 wherein said apparatus is disposable.
- 30 15. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to any one of claims 1 to 14 wherein said tube has an attachment mechanism attached to said upper surface configured to removably attach said apparatus to a surgical drape or table.
16. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to claim 15 wherein said attachment mechanism is a handle.

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17. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to claim 15 wherein said attachment mechanism is a handle clip.

5 18. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument according to any one of claims 2 to 17 wherein said aperture has a flexible grommet surrounding at least a portion of said upper surface adaptable to receive said distal portion of an optical instrument of differing size.

19. An apparatus to calibrate an optical instrument and warm a distal portion of said optical instrument as herein described with reference to the accompanying figures.